

## § 110.1

## 10 CFR Ch. I (1–198 Edition)

APPENDIX A TO PART 110—ILLUSTRATIVE LIST OF NUCLEAR REACTOR EQUIPMENT UNDER NRC EXPORT LICENSING AUTHORITY

APPENDIX B TO PART 110—ILLUSTRATIVE LIST OF GAS CENTRIFUGE ENRICHMENT PLANT COMPONENTS UNDER NRC'S EXPORT LICENSING AUTHORITY

APPENDIX C TO PART 110—ILLUSTRATIVE LIST OF GASEOUS DIFFUSION ENRICHMENT PLANT ASSEMBLIES AND COMPONENTS UNDER NRC EXPORT LICENSING AUTHORITY

Appendix D to Part 110—ILLUSTRATIVE LIST OF AERODYNAMIC ENRICHMENT PLANT EQUIPMENT AND COMPONENTS UNDER NRC EXPORT LICENSING AUTHORITY

Appendix E to Part 110—ILLUSTRATIVE LIST OF CHEMICAL EXCHANGE OR ION EXCHANGE ENRICHMENT PLANT EQUIPMENT AND COMPONENTS UNDER NRC EXPORT LICENSING AUTHORITY

Appendix F to Part 110—ILLUSTRATIVE LIST OF LASER-BASED ENRICHMENT PLANT EQUIPMENT AND COMPONENTS UNDER NRC EXPORT LICENSING AUTHORITY

Appendix G to Part 110—Illustrative List of Plasma Separation Enrichment Plant Equipment and Components Under NRC Export Licensing Authority

Appendix H to Part 110—ILLUSTRATIVE LIST OF ELECTROMAGNETIC ENRICHMENT PLANT EQUIPMENT AND COMPONENTS UNDER NRC EXPORT LICENSING AUTHORITY

APPENDIX I TO PART 110—ILLUSTRATIVE LIST OF REPROCESSING PLANT COMPONENTS UNDER NRC EXPORT LICENSING AUTHORITY

Appendix J to Part 110—ILLUSTRATIVE LIST OF URANIUM CONVERSION PLANT EQUIPMENT UNDER NRC EXPORT LICENSING AUTHORITY

APPENDIX K TO PART 110—ILLUSTRATIVE LIST OF EQUIPMENT AND COMPONENTS UNDER NRC EXPORT LICENSING AUTHORITY FOR USE IN A PLANT FOR THE PRODUCTION OF HEAVY WATER, DEUTERIUM AND DEUTERIUM COMPOUNDS

APPENDIX L TO PART 110—ILLUSTRATIVE LIST OF BYPRODUCT MATERIALS UNDER NRC EXPORT/IMPORT LICENSING AUTHORITY

APPENDIX M TO PART 110—CATEGORIZATION OF NUCLEAR MATERIAL

AUTHORITY: Secs. 51, 53, 54, 57, 63, 64, 65, 81, 82, 103, 104, 109, 111, 126, 127, 128, 129, 161, 181, 182, 183, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2071, 2073, 2074, 2077, 2092–2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154–2158, 2201, 2231–2233, 2237, 2239); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 5, Pub. L. 101–575, 104 Stat. 2835 (42 U.S.C. 2243).

Sections 110.1(b)(2) and 110.1(b)(3) also issued under Pub. L. 96–92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d, 88 Stat. 473, 475 (42 U.S.C. 2074).

Section 110.27 also issued under sec. 309(a), Pub. L. 99–440. Section 110.50(b)(3) also issued under sec. 123, 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80–110.113 also issued under 5 U.S.C. 552, 554. Sections 110.130–110.135 also issued under 5 U.S.C. 553. Sections 110.2 and 110.42(a)(9) also issued under sec. 903, Pub. L. 102–496 (42 U.S.C. 2151 et seq.).

SOURCE: 43 FR 21641, May 19, 1978, unless otherwise noted.

### Subpart A—General Provisions

#### § 110.1 Purpose and scope.

(a) The regulations in this part prescribe licensing, enforcement, and rule-making procedures and criteria, under the Atomic Energy Act, for the export of nuclear equipment and material, as set out in § 110.8 and § 110.9, and the import of nuclear equipment and material, as set out in § 110.9a. This part also gives notice to all persons who knowingly provide to any licensee, contractor, or subcontractor, components, equipment, materials, or other goods or services, that relate to a licensee's activities subject to this part, that they may be individually subject to NRC enforcement action for violation of § 110.7b.

(b) The regulations in this part apply to all persons in the United States except: (1) The Departments of Defense and Energy for activities authorized by sections 54, 64, 82, and 91 of the Atomic Energy Act, except when the Department of Energy seeks an export license under section 111 of the Atomic Energy Act;

(2) Persons who export or import U.S. Munitions List nuclear items, such as uranium depleted in the isotope-235 and incorporated in defense articles. These persons are subject to the controls of the Department of State pursuant to 22 CFR 120–130 “International Traffic in Arms Regulations” (ITAR), under the Arms Export Control Act, as authorized by section 110 of the International Security and Development Cooperation Act of 1980;

(3) Persons who export uranium depleted in the isotope-235 and incorporated in commodities solely to take advantage of high density or

## Nuclear Regulatory Commission

## § 110.2

pyrophoric characteristics. These persons are subject to the controls of the Department of Commerce under the Export Administration Act, as authorized by section 110 of the International Security and Development Cooperation Act of 1980;

(4) Persons who export nuclear referral list commodities. These persons are subject to the licensing authority of the Department of Commerce pursuant to 15 CFR part 799, such as bulk zirconium, rotor and bellows equipment, maraging steel, nuclear reactor related equipment, including process control systems and simulators; and

(5) Persons who import deuterium, nuclear grade graphite, or nuclear equipment other than production or utilization facilities. A uranium enrichment facility is not a production facility.

[49 FR 47197, Dec. 3, 1984; 49 FR 49841, Dec. 24, 1984, as amended at 55 FR 34519, Aug. 23, 1990; 56 FR 40692, Aug. 15, 1991; 58 FR 13001, Mar. 9, 1993; 61 FR 35602, July 8, 1996]

### § 110.2 Definitions.

As used in this part,

*Agreement for cooperation* means any agreement with another nation or group of nations concluded under section 123 of the Atomic Energy Act, as amended.

*Atomic Energy Act* means the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011).

*Byproduct material* means radioactive material (except special nuclear material) produced by exposure to the radiation incident to the process of producing or using special nuclear material.

*Classified information* means National Security Information classified under Executive Order 12356.

*Commission* means the United States Nuclear Regulatory Commission or its duly authorized representatives.

*Common defense and security* means the common defense and security of the United States.

*Conversion facility* means any facility for the transformation from one uranium chemical species to another, including: conversion of uranium ore concentrates to UO<sub>3</sub>, conversion of UO<sub>3</sub> to UO<sub>2</sub>, conversion of uranium oxides to UF<sub>4</sub> or UF<sub>6</sub>, conversion of UF<sub>4</sub> to UF<sub>6</sub>, conversion of UF<sub>6</sub> to UF<sub>4</sub>, conver-

sion of UF<sub>4</sub> to uranium metal, and conversion of uranium fluorides to UO<sub>2</sub>.

*Deuterium* means deuterium and any deuterium compound, including heavy water, in which the ratio of deuterium atoms to hydrogen atoms exceeds 1:5000.

*Disposal* means permanent isolation of radioactive material from the surrounding environment.

*Effective kilograms of special nuclear material* means:

(1) For plutonium and uranium-233, their weight in kilograms;

(2) For uranium enriched 1 percent or greater in the isotope U-235, its element weight in kilograms multiplied by the square of its enrichment expressed as a decimal weight fraction; and

(3) For uranium enriched below 1 percent in the isotope U-235, its element weight in kilograms multiplied by 0.0001.

*Executive Branch* means the Departments of State, Energy, Defense and Commerce and the Arms Control and Disarmament Agency.

*Export* means to physically transfer nuclear equipment or material to a person or an international organization in a foreign country, except DOE distributions as authorized in Section 111 of the Atomic Energy Act or Section 110 of the International Security and Development Cooperation Act of 1980.

*General license* means an export or import license effective without the filing of a specific application with the Commission or the issuance of licensing documents to a particular person.

*High-enriched uranium* means uranium enriched to 20 percent or greater in the isotope uranium-235.

*IAEA* means the International Atomic Energy Agency.

*Import* means import into the United States.

*Incidental radioactive material* means any radioactive material not otherwise subject to specific licensing under this part that is contained in or a contaminant of any non-radioactive material that:

(1) For purposes unrelated to the regulations in this part, is exported or imported for recycling or resource recovery of the non-radioactive component; and